



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

Equity pleading commonly allows several defendants to be joined in a single bill for the purpose of quieting the plaintiff's title or preventing a multiplicity of suits upon the same question. *Bryan v. Bryan*, 61 N. J. Eq. 45; *Board of Supervisors v. Deyoe*, 77 N. Y. 219. There must ordinarily be a community of interest among the several defendants in every question of law and of fact involved in the controversy. Cf. *Wyman v. Bowman*, 127 Fed. 257, 262. The jurisdiction is somewhat elastic, however, depending upon the exigencies of the plaintiff's situation. See *Hale v. Allinson*, 188 U. S. 56, 77. Thus where the need is urgent, a large number of separate claims arising out of the same general transaction, but differing in respect to good faith, may be determined in a single suit. *New York & New Haven R. R. v. Shuyler*, 17 N. Y. 592. But the present case presents no common question of law or of fact in respect to the two defendants. It does not state a sufficient cause of action against either, since consistently with the allegations of the bill the common grantor may have been the only wrongdoer. And clearly the purpose of preventing a multiplicity of suits cannot create a cause of action where none exists separately. *Roland Park Co. v. Hull*, 92 Md. 301.

FEDERAL COURTS — JURISDICTION BASED ON DIVERSITY OF CITIZENSHIP — POWER OF REMOVAL WHEN ALIEN SUES CITIZEN OF ANOTHER STATE. — An Act of Congress gives the circuit courts concurrent jurisdiction with the state courts over suits involving more than \$2,000 between citizens of a state and aliens, with a provision that the suit must be brought in the district where the defendant resides. ACT OF AUG. 13, 1888; U. S. COMP. ST. (1901), 508. An alien brought an action against an Illinois corporation in an Iowa state court. The defendant had the suit removed to the Circuit Court for the Northern District of Iowa, and the plaintiff moved to have it remanded. *Held*, that the motion to remand should be denied. *Barlow v. Chicago & N. W. Ry. Co.*, 172 Fed. 513 (Circ. Ct., N. D. Ia.).

A recent decision in another district reached the opposite result: *Mahopoulus v. Chicago, R. I. & P. Ry. Co.*, 167 Fed. 165. But an earlier decision decided the point in accord with the principal case without discussion. *Uhle v. Burnham*, 42 Fed. 1. It is well settled that no suit can be removed over which the federal court would not have original jurisdiction. *Cochran v. Montgomery Co.*, 199 U. S. 260. The provision that the suit must be brought in the district where the defendant resides, applies to actions brought by aliens against citizens of a state. *Galveston, etc. Railway v. Gonzales*, 151 U. S. 496. But it has been held manifestly inapplicable to actions brought by citizens of a state against aliens. *Case of Hohorst*, 150 U. S. 653. This provision, however, has been interpreted as not affecting the general jurisdiction of the courts, but as being in the nature of an exemption in favor of the defendant which he may waive. *Ex parte Schollenberger*, 96 U. S. 369, 378; *In re Keasbey & Mattison Co.*, 160 U. S. 221, 229. See 21 HARV. L. REV. 630. In view of the authorities, therefore, the principal case can be supported, as the federal court might have taken original jurisdiction of the suit with the consent of the defendant. It is submitted, however, that this construction of the statute is somewhat bold, since the jurisdiction of the circuit courts is confined to cases where it has been expressly conferred by Congress. *United States v. Hudson*, 7 Cranch (U. S.) 32.

FEDERAL COURTS — RELATIONS OF STATE AND FEDERAL COURTS — EQUITY JURISDICTION OVER WILLS. — The plaintiff brought a bill in equity in the federal court, asking (1) that a certain legacy be declared lapsed and be paid to the plaintiff, and (2) that the defendant executor render an account of the entire estate. The requirement as to diversity of citizenship was satisfied. *Held*, that the court has jurisdiction as to the first prayer but not as to the second. *Waterman v. Canal-Louisiana Bank*, U. S. Sup. Ct., Nov. 8, 1909.

Over matters relating strictly to the probate of a will the federal courts in